



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,505	12/19/2001	Cindy Kirk	12487-US	8521

23553 7590 08/10/2005

MARKS & CLERK

P.O. BOX 957

STATION B

OTTAWA, ON K1P 5S7

CANADA

EXAMINER

SHAW, PELING ANDY

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/021,505

Applicant(s)

KIRK ET AL.

Examiner

Peling A. Shaw

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05/10/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

RP

**DETAILED ACTION**

1. Amendment received on 05/10/2005 has been entered. Claims 1-12 are currently amended. Claims 13-18 are new.
2. Claims 1-18 are presented for examination.

***Priority***

3. This application has no priority claim made. The effective filing date is 12/19/2001.

***Specification***

4. The specification is amended. Only miss-spellings, reference errors between the specification and the drawing, and grammar errors are automatically accepted. Other changes are examined case by case. The following table summarizes the result of examination. Those rejected changes will not be allowed into the specification.

— : accepted

√ : rejected

M : accepted if modification on "ADM" is to be changed to "ATM/FR".

Paragraph	Result
1	—
6	—
14	—
44	—
45	—
57	—
58	√
61	√
64	—
65	M

***Drawings***

5. The drawings are amended, i.e. Fig. 1 and 8. The amended formal drawing sheets including Fig. 1 and 8 are accepted.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engel et al. (US 6115393 A), hereinafter referred as Engel in view of Weinberg et al. (US 6144962 A), hereinafter referred as Weinberg.

- a. Engel shows (claims 1 and 6) a graphical user interface (column 6, line 66-column 7, line 9; column 26, line 15-21) for a network management system equipped with network management logic for managing a communication network (column 1, line 19-20) via the graphical user interface. Engel also shows (Fig. 19; column 25, line 41-47; column 26, line 22-29) layers of the network maps, navigating through the layers of network hierarchy and a screen of data link layer. Engel does not show (claims 1 and 6) explicitly a window of two panes showing layer 2 (or layer 1) and layer 3 entities respectively.
- b. Weinberg shows (Fig. 5; column 4, line 15-17; column 17, line 21-39) a window of two panes showing the navigation through a map on one pane and zooming in the other pane in an analogous art for the purpose of visualization of web sites and hierarchical data structures.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Engel's functions of network monitoring to include explicitly Weinberg's functions of navigating through a map in one pane and zooming on another pane.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to zoom in the contents of a map and still keep the current context of the map per Weinberg's teaching as applied to the network management. This technique is well known in MS-Window file manager/window explorer and as suggested in various other patents.
- e. Regarding claim 2, Engel shows (column 2, line 42-62; column 25, line 41-47; column 26, line 22-29) wherein the network management system further comprises means for querying a managed object database storing connectivity information regarding field installed data transport equipment.
- f. Regarding claim 3, Engel shows (column 2: line 42-62; column 25, line 41-47; column 26, line 22-29; Fig. 18 and 19) wherein the network management system further comprises means for extracting from the managed object database layer-by-layer connectivity information regarding Layer-3 entity representations selected in the first view pane for display in the second view pane.
- g. Regarding claim 4, Engel shows (column 26, line 22-29; Fig. 18 and 19) wherein the network management system further comprises means for inspecting a containment hierarchy of instantiated manageable entity objects modeling field installed data transport equipment specifying connectivity information.

- h. Regarding claim 5, Engel shows (column 2, line 42-62; column 25, line 41-47; column 26, line 22-29; Fig. 18 and 19) wherein the network management system further comprises means for extracting from the containment hierarchy of instantiated managed entity objects layer-by-layer connectivity information regarding Layer-3 entity representations selected in the first view pane.

Together Engel and Weinberg disclosed all limitations of claims 1-6. Claims 1-6 are rejected under 35 U.S.C. 103(a).

- 7. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engel et al. (US 6115393 A), hereinafter referred as Engel in view of Weinberg et al. (US 6144962 A), hereinafter referred as Weinberg.

- a. Engel shows (claim 7 and 12) graphical user interface (column 6, line 66-column 7, line 9; column 26, line 15-21) for a network management software application (claim 24; column 10, line 32-44) having network management logic for managing a communication network via the graphical user interface (column 1, line 19-20). Engel also shows (Fig. 19; column 25, line 41-47; column 26, line 22-29) layers of the network maps, navigating through the layers of network hierarchy and a screen of data link layer. Engel does not show (claims 7 and 12) explicitly a window of two panes showing layer 2 (or layer 1) and layer 3 entities respectively.
- b. Weinberg shows (Fig. 5; column 4, line 15-17; column 17, line 21-39) a window of two panes showing the navigation through a map on one pane and zooming in the other pane in an analogous art for the purpose of visualization of web sites and hierarchical data structures.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Engel's functions of network monitoring to include explicitly Weinberg's functions of navigating through a map in one pane and zooming on another pane.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to zoom in the contents of a map and still keep the current context of the map per Weinberg's teaching as applied to the network management. This technique is well known in MS-Window file manager/window explorer and as suggested in various other patents.
- e. Regarding claim 8, Engel shows (column 2, line 42-62; column 25, line 41-47; column 26, line 22-29) wherein the network management software application further comprises means for querying a managed object database storing connectivity information regarding field installed data transport equipment.
- f. Regarding claim 9, Engel shows (column 2: line 42-62; column 25, line 41-47; column 26, line 22-29; Fig. 18 and 19) wherein the network management software application is further comprises means for extracting from the managed object database layer-by-layer connectivity information regarding Layer-3 entity representations selected in the first view pane for display in the second view pane.
- g. Regarding claim 10, Engel shows (column 26, line 22-29; Fig. 18 and 19) wherein the network management software application is further comprises means for inspecting a containment hierarchy of instantiated manageable entity objects modeling field installed data transport equipment specifying connectivity information.

- h. Regarding claim 11, Engel shows (column 2, line 42-62; column 25, line 41-47; column 26, line 22-29; Fig. 18 and 19) wherein the network management software application further comprises means for extracting from the containment hierarchy of instantiated managed entity objects extract layer-by-layer connectivity information regarding Layer-3 entity representations selected in the first view pane.

Together Engel and Weinberg disclosed all limitations of claims 7-12. Claims 7-12 are rejected under 35 U.S.C. 103(a).

- 8. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engel et al. (US 6115393 A), hereinafter referred as Engel in view of Weinberg et al. (US 6144962 A), hereinafter referred as Weinberg.

- a. Engel shows (claim 13 and 18) a method of managing a communications network in a centralized network management context (column 1, line 19-20) via a graphical user interface (column 6, line 66-column 7, line 9; column 26, line 15-21). Engel also shows (Fig. 19; column 25, line 41-47; column 26, line 22-29) layers of the network maps, navigating through the layers of network hierarchy and a screen of data link layer. Engel does not show (claims 13 and 18) explicitly a window of two panes showing layer 2 (or layer 1) and layer 3 entities respectively.
- b. Weinberg shows (Fig. 5; column 4, line 15-17; column 17, line 21-39) a window of two panes showing the navigation through a map on one pane and zooming in the other pane in an analogous art for the purpose of visualization of web sites and hierarchical data structures.



- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Engel's functions of network monitoring to include explicitly Weinberg's functions of navigating through a map in one pane and zooming on another pane.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to zoom in the contents of a map and still keep the current context of the map per Weinberg's teaching as applied to the network management. This technique is well known in MS-Window file manager/window explorer and as suggested in various other patents.
- e. Regarding claim 14, Engel shows (column 2, line 42-62; column 25, line 41-47; column 26, line 22-29) further comprising querying a managed object database storing connectivity information regarding field installed data transport equipment.
- f. Regarding claim 15, Engel shows (column 2: line 42-62; column 25, line 41-47; column 26, line 22-29; Fig. 18 and 19) wherein querying the managed object database, the method further comprises extracting layer-by-layer connectivity information regarding Layer-3 entity representations selected in the first view pane for display in the second view pane.
- g. Regarding claim 16, Engel shows (column 26, line 22-29; Fig. 18 and 19) further comprising inspecting a containment hierarchy of instantiated manageable entity objects modeling field installed data transport equipment specifying connectivity information.

Art Unit: 2144

- h. Regarding claim 17, Engel shows (column 2, line 42-62; column 25, line 41-47; column 26, line 22-29; Fig. 18 and 19) wherein inspecting the containment hierarchy of instantiated managed entity objects, the method further comprising extracting layer-by-layer connectivity information regarding Layer-3 entity representations selected in the first view pane.

Together Engel and Weinberg disclosed all limitations of claims 13-18. Claims 13-18 are rejected under 35 U.S.C. 103(a).

***Response to Arguments***

9. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2144

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pas



**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**